

ECR Performance ***FY1999 - 2006***

Federal Energy Regulatory Commission
Dispute Resolution Service

Presentation To:
ECR Performance Evaluation Group

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ECR Questions: Case Level

- ✓ How do you measure cost of process (ECR, Litigation, Rulemaking)?
- ✓ How do you assess the intermittent contribution of ECR?
- ✓ What about parties that don't want ECR?

How do you evaluate the quality of the outcome?

FERC's ECR Performance: Case Level

Evaluating ECR in the DRS:

FY 4/99 – FY 06

Environmental & Non-Environmental Cases:

- Participant Evaluation Form (revised)
- Internal Tracking System (i.e., Access dBase)

EVALUATION

1. Please rate the services of the Office of the Dispute Resolution Service (DRS).

very satisfactorysatisfactoryfair
2. Did the ADR procedures meet your needs?
All the issues were resolved to your satisfaction.

If not, please comment.
3. Were the DRS representatives effective?
4. a.) Do you think you saved resources and avoided major costs using an ADR process? If you answer yes, please answer b) and c).

YesNo

b.) Please check the appropriate blocks for the types of costs saved:

Employee time	Man hours/days	Travel expenses
Document & Filing Costs	Litigation Costs	Other _____

c.) Please estimate the dollar amount you saved by using an ADR process rather than another process such as a traditional Commission filing process or litigation?

\$0-25,000	\$100,001-150,000
\$25,001-50,000	\$150,001-250,000
\$50,001-75,000	\$250,001-500,000
\$75,001-100,000	above \$500,000

Or state approximate amount here: _____
5. Please provide additional comments or recommendations and additional ways the DRS may assist you.

Thank you for taking the time to complete this survey.

NOTE: Your response will assist the DRS in compiling information on its program and to improve our services to you. You are not required to submit your name or affiliation. No cases or parties will be referred to by name in any information that is acquired from the evaluation without the prior permission of the evaluator.

DRS Case Evaluation: Measurements for Performance

Qualitative*

- Satisfaction w/ DRS services
- Effectiveness of DRS representatives
- ADR/ECR process v. Another Decision – Making process

*Measures an ADR/ECR process even if case doesn't settle

Quantitative

- Cost Avoidance = Resources + \$'s *
- Estimated \$ Savings (check box)

* Parties find it challenging to measure cost avoidance for environmental cases, at least quickly

DRS Case Internal Tracking System: Measurements for Performance

Quantitative Measures:

- Success/No Success – Mediated cases
- No Interest - One or more parties don't want ADR/ECR (DRS may "Coach" a party)
- ADR/ECR Inappropriate - Refer to another office
- Case Performance - Begin to completion date*

DRS Case Internal Tracking System: Measurements for Performance (cont'd):

For Non-environmental cases:

- Convene parties within 20 days
- Conclude case within 120 days (4 months *if possible*)

Above standards of measurement don't
apply to environmental cases and cases
with Indian tribes

Evaluation Results FY2006: Non-Environmental Cases

Percentage of non-environmental, non-tribal ADR processes (agreed to by parties concluded	75 % within 120 days (convening and process)
Number of ADR requests and referrals to the Dispute Resolution Service	Minimum number of requests and referrals equal to FY 2004
Favorable Dispute Resolution Service customer satisfaction	80 % customer satisfaction rate

What about outcomes from ECR at the case level? Challenges

Human/Economic/Environmental Challenges:

- Receiving completed, voluntary evaluations from case participants
- Assessing economic and environmental resources cost savings from an ECR process
- Valuation of environmental resources, which is culturally relevant and can vary on a state-by-state basis
- Consistency in measurements (e.g., environmental resources, subjective v. objective criteria)

ECR Outcomes at Case Level FY 2003–'06: DRS Performance

40 New Environmental Actions/Cases (out of 122 cases):

- 13 Mediations Completed = 8 Successes + 5 No Success
- 5 Cases = Ongoing into FY 2007
- 10 Cases = No Interest
- 4 Cases = Referred Elsewhere
- 3 Cases = Coaching
- 3 Cases = Inquiry
- 2 Cases = ADR Inappropriate

How do you access the intermittent contribution ECR adds to cases?

Mediated cases:

Begin to end date (mo/day/yr):

1 year = 8 cases (5 success, 4 no success)

2 years = 4 cases (2 success, 1 no success)

4 years = 1 case (partial settlement)

ECR's Contribution: Factors to consider & what's being measured

Measuring ECR at case level:

- Are ECR processes long or short relative to “what”?
- Upstream/Midstream/Downstream Process
- Two- or multiparty stakeholders
- Intercultural factors

What are some constants?

- \$\$'s saved
- Resources saved (human, environmental, cultural)?
- Durability of solutions and outcomes
- Public/Economic Benefits

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